UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,771	10/09/2001	Philip Bush	2334-194	2486

23117	7590	10/07/2003

NIXON & VANDERHYE, PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201-4714

EXAMINER
FORTUNA, JOSE A

ART UNIT	PAPER NUMBER
1731	

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AN
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, DC 202
www.uspto.gc

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on _9/11/03_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. **Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.**

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:
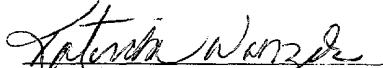
☐   1. Amendments to the specification:
       ☐   A. Amended paragraph(s) do not include markings.
       ☐   B. New paragraph(s) should not be underlined.
       ☐   C. Other_____

☐   2. Abstract:
       ☐   A. Not presented on a separate sheet. 37 CFR 1.72.
       ☐   B. Other_____

☐   3. Amendments to the drawings: _____

☒   4. Amendments to the claims:
       ☐   A. A complete listing of <u>all</u> of the claims is not present.
       ☐   B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
       ☒   C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
       ☐   D. The claims of this amendment paper have not been presented in ascending numerical order.
       ☐   E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf .

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

_____
Legal Instruments Examiner (LIE)

July 22, 2003 (rev.)

Requirements of the revised amendment practice of the final rule for all amendments filed on or after <u>July 30, 2003</u> :

1. Each amendment section <u>must begin on a separate sheet</u>

2. A <u>separate "clean" version</u> of a currently amended paragraph or claim is NO LONGER REQUIRED (except for a <u>substitute</u> specification – see No. 5 below)

3. If the amendment adds, changes, or deletes any claim, a <u>listing of all claims</u> that are, or were, in the application, must be provided as follows:

   - The claims must be listed in <u>ascending numerical order</u>

   - The <u>text of all pending claims including withdrawn claims must be presented</u>; no text for "canceled" or "not entered" claims

   - A <u>status identifier</u> must be presented in parentheses after the claim number for each claim; only the following identifiers are permitted: (original), (currently amended), (canceled), (withdrawn), (new), (previously presented), and (not entered)

   - All "currently amended" claims must have <u>markings</u> to show changes; the only markings permitted are underlining for added matter, strikethrough and double brackets [[ ]] (for five or fewer characters) for deleted matter

   - Grouping of consecutive "canceled" or "not entered" claims permitted (e.g., claims 2-8 (canceled))

4. Upon receipt of a complete listing of all claims, LIEs should cancel all previous versions of claims in the application by drawing a line through the previous versions of claims

5. Amendments to the specification by <u>marked-up replacement paragraphs or sections only</u> - no clean replacement paragraph or section is required; <u>NO</u> replacement <u>sheets</u> permitted

   - Note, however, that for <u>substitute</u> specifications, rule 1.125 continues to require both a clean and marked-up copy

6. <u>Drawing changes</u> without markings - clean replacement drawing sheets only – annotated sheet(s) showing changes may be submitted

   - Explanation separately provided